

REMARKS

The Examiner is respectfully requested to cancel Claims 13, 14, 18 and 20 and to amend Claims 1, 16, 17 and 19.

New Matter Objection

The amendment of March 19, 2003 is objected to as introducing new matter, specifically "the membrane permanently activated upon contact with gas," and "the soluble layer being dissolved upon contact with gas."

Applicants respectfully traverse. The instant specification (10:4-5) states the membrane may be activatable and change properties after activation. The specification (10:5-7) further states the change in properties might be "permanent or reversible."

To expedite prosecution on the merits, Applicants have amended Claims 16 and 17. Claim 16 is amended to recite that the soluble layer is dissolved upon contact with liquid. Claim 17 is amended to remove reference to activation upon contact with a gas. Claim 18 is canceled accordingly. Claim 19 is amended to ensure proper dependency. Basis remains in the specification (10:4-13).

Applicants have amended Claim 1 to incorporate the limitations of Claim 13, which is canceled accordingly. Since the limitations added to the independent claims are found in claims already presented, no new matter is added.

Prior Art Rejection

Applicants wish to thank the Examiner for the Telephonic Interview of July 2, 2003. At this interview, the Examiner stated unequivocally that she did not find the limitations of Claims 13 and 18 in EP 0 068 830, and that while she had not specifically looked, she did not believe such teachings were found in U.S. Pat. 6,146,535 (Sutherland). Additionally, the Examiner stated she had specifically conducted a search for these limitations prior to the Interview, but did not find such a teaching in the prior art not of record. Accordingly, Applicants respectfully submit the application is now in condition for allowance.

Claims 2, 3, 5, and 8 are rejected under 35 U.S.C. §103 as obvious over EP 0 068 830. As noted above, during the Interview of July 2, 2003, the Examiner stated that the teachings incorporated by amendment to the independent claims were not found in this reference. Likewise,

such teachings are not found in Sutherland. Accordingly, the Examiner is respectfully requested to reconsider and withdraw this rejection.

Double Patenting Rejection

Claims 1-17 and 20 are rejected for double patenting over Claims 1-12 of commonly assigned U.S. Pat. 6,500,337, iss. Dec. 31, 2002 to Ehmsperger et al. Without agreeing to the merits of this position, Applicants have enclosed a termination disclaimer to expedite prosecution on the merits.

Summary

All matters raised by the Office Action are believed to be addressed by the amendments made hereunder, the terminal disclaimer, and accompanying arguments. The Examiner is respectfully requested to reconsider and allow all claims remaining in the application.

Respectfully submitted,

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